

# GETTING CUSTODY AND PARENTING TIME ORDERS

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

## **GETTING CUSTODY AND PARENTING TIME ORDERS**

**WHAT IS CUSTODY?** Custody refers to a parent's right to make decisions about a child's care and welfare. The parent with custody is called the custodial parent. Usually, the child lives with the custodial parent most of the time.

**What is Sole Legal Custody?** Sole legal custody means one parent is responsible for making major decisions regarding the child's care or welfare.

**What is Joint Legal Custody?** Joint legal custody means each parent has the same right to make decisions about the child's care and welfare.

**What is Joint Physical Custody?** When the court grants joint physical custody, the place where the child lives is shared between the parents so the child has essentially equal time and contact with both parents. Joint physical custody may be granted both when parents share joint legal custody or when one parent is granted sole legal custody.

**WHAT IS PARENTING TIME?** Parenting time refers to the child's opportunity to spend time with the noncustodial parent. A parent is entitled to reasonable parenting time to ensure a child has frequent and continuing contact with the parent. However, the court can limit or deny parenting time if it would seriously endanger the child's physical, mental, moral, or emotional health.

**WHEN DO CUSTODY AND PARENTING TIME ISSUES ARISE?** Disputes about custody and parenting time may arise during a divorce or legal separation. They also may arise between unmarried parents. When parents are unmarried, the biological father has no legal right to custody or parenting time until paternity is established legally and the court orders custody and/or parenting time.

**HOW IS PATERNITY ESTABLISHED?** Paternity is established through the Superior Court or the Departments of Health Services or Economic Security. To establish paternity through the Superior Court, see Maricopa County's paternity packet online. You may file these Maricopa County forms in Coconino County.

**HOW ARE CUSTODY AND PARENTING TIME ESTABLISHED?** Custody and parenting time are established through the Superior Court. If the parents are married, they may ask for these orders when they file for divorce or legal separation. See the Coconino County Self-Help Center packets on divorce or legal separation. If the parents never were married, see Maricopa County's custody packet online. You may file these Maricopa County forms in Coconino County.

**HOW CAN I GET EMERGENCY CUSTODY?** You may ask the court for emergency custody only as part of a divorce, legal separation, or paternity/custody case.

**WHAT CAN I DO IF I FEEL THE CHILD IS IN IMMEDIATE DANGER?** Call law enforcement, or Child Protective Services at 1-888-767-2445. Northland Family Help Center (527-1700) offers free and confidential shelter, counseling, legal advocacy, and referrals for families in crisis.

**WHAT CAN I DO NEXT?** See a family law attorney or get the right self-help packet for your case and file it in Superior Court.

### **COCONINO COUNTY LAW LIBRARY AND SELF-HELP CENTER:**

200 N. San Francisco St., Flagstaff  
[www.coconino.az.gov/courts/forms.asp](http://www.coconino.az.gov/courts/forms.asp)

### **MARICOPA COUNTY SELF-SERVICE CENTER WEBSITE:**

[www.superiorcourt.maricopa.gov/ssc/forms](http://www.superiorcourt.maricopa.gov/ssc/forms)